

ORDER

This is an I.A.No.IV filed on behalf of the plaintiffs under Order I Rule 10 of C.P.C. to implead the proposed defendants to the suit.

It is stated in an affidavit that the defendant No.1 died before institution of the suit. He is reported to be dead in response to summons. But the plaintiffs did not have knowledge of this fact. The proposed defendants are the legal heirs of the defendant No.1. Accordingly, the deponent/plaintiff No.1 has prayed to allow I.A.

The proposed defendants appeared through their counsel. But they have not filed objection to I.A.

Heard & perused the materials.

The suit is for declaration and permanent injunction. The defendant no.1 is reported to be dead as per shara of process server dated 29-3-2016. The proposed defendants are stated to be the legal heirs of the deceased defendant No.1. Hence, they are necessary parties to adjudicate the controversy. Therefore, I am of the opinion that I.A. needs to be allowed. Accordingly, it is allowed. Thus, I proceed to pass the following:-

:: O R D E R ::

I.A.No.IV filed on behalf of the plaintiffs U/O.1 Rule 10 of C.P.C. is hereby allowed.

The proposed defendants are ordered to be brought on record in the place of the deceased defendant No.1.

The plaintiffs are directed to amend the plaint and to furnish amendment plaint.

No order as to costs.

Prl. Civil Judge, Kanakapura.